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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/709,574	11/13/2000	Kuk Ho Bae	P-142	4534

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FLESHNER & KIM, LLP  
P.O. BOX 221200  
CHANTILLY, VA 20153

EXAMINER

BROCKETTI, JULIE K

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 12/03/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/709,574

Applicant(s)

BAE ET AL.

Examiner

Julie K Brockett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 November 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \*   c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5,6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The disclosure is objected to because of the following informalities:

Page 12, line 17: "form" should be "from".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent

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or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 16 is rejected under 35 U.S.C. 102(b) as being anticipated by Okamoto, U.S. Patent No. 5,489,103. Okamoto discloses a game service receiving method comprising extracting a game list of game-related information from a transport stream that includes image and audio information, a game program and the game-related information (See Okamoto Figs 1 & 5; col. 6 lines 23-31). A game program can be downloaded according to the game-related information if the game program is desired by the user. The game is also executed (See Okamoto col. 7 lines 63-66; col. 6 lines 41-43).

Claims 2-4 and 14 is rejected under 35 U.S.C. 102(e) as being anticipated by Reed et al., U.S. Patent No. 5,944,608. Reed discloses a game service transmitting device and method that uses a multiplexer for converting image and audio information, a game program and game-related information into a transport stream (See Reed Fig. 12; col. 2 lines 4-14; col. 16 lines 57-67; col. 17 lines 1-18). A transmitting unit encodes, i.e. channel-codes, the transport stream (See Reed abstract). Furthermore, the transport stream is modulated, amplified and transmitted over a certain channel (See Reed Fig.12; col. 16 lines 63-67). The system comprises a game server configured to provide game programs and game-related information. The server is configured to receive a game-ordering signal indicating a game desired by a user and to

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provide the selected game program and game-related information (See Reed Figs. 12-14; col. 4 lines 17-23; abstract).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reed et al., U.S. Patent No. 5,944,608. Reed discloses all of the limitations mentioned above and also teaches of updating the CATV transmitter and installing new games and options (See col. 2 lines 4-14; col. 13 lines 62-67). Consequently, it is clear that the operator of the CATV transmission can add a new game program desired by a user and game-related information to a game list. The game program and game-related information would be converted into a transport stream. Reed lacks in specifically disclosing that newly installed games are desired by a user. It would have been obvious to one of ordinary skill in the art at the time the invention was made to install new games desired by a user. By installing new games desired by a user, the system is giving its customers the games in which they want to play. Therefore, if the games the customers want are implemented into the system, these individuals will remain

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customers. Furthermore, the level of excitement in the games and system remains high, which increases the number of customers.

Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okamoto, U.S. Patent No. 5,489,103. Okamoto discloses all of the limitations mentioned above. An extracted game list is displayed to a user on a screen (See Okamoto Fig. 5). The user requests a game program from a transmitting party (See Okamoto Fig. 6). It is clear that the user may request a game program from the transmitting party when the game program selected is not included in the displayed game list. In the system of Okamoto, a user enters the number of the game they wish to play, it is clear that a player may enter an invalid number. For example, if there are only games 1-5, the player can still enter the number 9 and an error may be generated or no game is provided. Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow users to select games that are not included on a displayed list. This is similar to a user selecting a television channel on their TV set that they do not get image information. Nothing stops a user from attempting to get a game that is not available. It is a matter of curiosity to select game or channels that are not available and see whether or not they are truly not available.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okamoto in view of Hawkins et al., U.S. Patent No. 6,005,561. Okamoto lacks in disclosing using packet identifiers. Hawkins et al. teaches of an interactive

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information delivery system in which game-related information comprises a packet identifier (PID) for identifying a packet of a game program ordered by a user and a game list (See Hawkins et al. col. 13 lines 42-55; Fig. 8). It would have been obvious at the time the invention was made to include packet identifiers. By using packet identifiers, one can determine the location within the broadcast stream of the game requested by a user. Consequently, locating and retrieving the game program is easier and faster.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lazzuri, "EE 4984 Telecommunication Networks Project 1, Sega Channel" in view of Hawkins. "Sega Channel" is a broadcast and game-receiving device. A downloader is configured to receive a broadcast signal and to download a game program ordered by a user. A game memory then stores the downloaded game program. A CPU, i.e. the video game machine, executes the stored game program in response to a user request (See "Sega Channel"; See Hawkins col. 3 lines 25-47). Sega Channel lacks in stating that the game-related information is encoded in the broadcast signal. Hawkins teaches of an interactive information delivery system. Game-related information is encoded in a broadcast signal for users to receive (See Hawkins col. 6 lines 38-42). It would have been obvious at the time the invention was made to encode the data in Sega Channel. Encoded signals provide greater security in transmission and are less likely to be tampered with.

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Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reed et al., U.S. Patent No. 5,944,608 in view of Okamoto, U.S. Patent No. 5,489,103 in view of Okano et al., U.S. Patent No. 6,320,868 B1. Reed discloses a game service transmitting device and method that uses a multiplexer for converting image and audio information, a game program and game-related information into a transport stream (See Reed Fig. 12; col. 2 lines 4-14; col. 16 lines 57-67; col. 17 lines 1-18). A transmitting unit encodes, i.e. channel-codes, the transport stream (See Reed abstract). Furthermore, the transport stream is modulated, amplified and transmitted over a certain channel (See Reed Fig.12; col. 16 lines 63-67). Reed lacks in specifically disclosing a tuning unit. Okamoto discloses a game services receiving device. The device comprises a tuning unit configured to receive image and audio information, a game program ordered by a user and game-related information. The tuning unit is configured to select either image and audio information corresponding to a channel desired by a user or a game program ordered by the user (See Okamoto Fig. 1; col. 4 lines 39-54; 64-67). A common game interface module is configured to demodulate and process a selected game program and game-related information (See Okamoto Fig. 1). The game program can also be downloaded (See Okano col. 7 lines 62-66). Okamoto lacks in disclosing error correction. Okano et al. teaches of a transmission/reception system and receiver in which error correction occurs on the transmitted signal (See Okano Fig. 3; col. 14 lines 6-20). It would have



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been obvious to one of ordinary skill in the art at the time the invention was made to error correct the transmitted signal. During transmission, errors may occur in the signal. Error correction is done to allow for reconstruction of the data after some of the data may have been the subject of error in the transmission. By error correcting the signal, one receives a complete and usable signal. Consequently, it is obvious to error correct any transmitted signal so that what is received is capable of being used.

Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okamoto in view of Okano et al. Okamoto discloses a game services receiving device. The device comprises a tuning unit configured to receive image and audio information, a game program ordered by a user and game-related information. The tuning unit is configured to select either image and audio information corresponding to a channel desired by a user or a game program ordered by the user (See Okamoto Fig. 1; col. 4 lines 39-54; 64-67). A common game interface module is configured to demodulate and process a selected game program and game-related information (See Okamoto Fig. 1). The game program can also be downloaded (See Okano col. 7 lines 62-66). Okamoto lacks in disclosing error correction. Okano et al. teaches of a transmission/reception system and receiver in which error correction occurs on the transmitted signal (See Okano Fig. 3; col. 14 lines 6-20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to error correct the transmitted signal. During transmission, errors may

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occur in the signal. Error correction is done to allow for reconstruction of the data after some of the data may have been the subject of error in the transmission. By error correcting the signal, one receives a complete and usable signal. Consequently, it is obvious to error correct any transmitted signal so that what is received is capable of being used.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okamoto in view of Okano et al., in further view of Lazzuri, "EE 4984 Telecommunication Networks Project 1, Sega Channel". Okamoto and Okano lack in disclosing a downloader. "Sega Channel" teaches of a common game interface module, which includes a downloader for downloading a game program ordered by a user using the game-related information. The interface module further comprises a game memory for storing a downloaded game program and a CPU, i.e. the game machine, for executing the stored game program. The CPU executes the game program upon receipt of a controlling command input through a user interface (See "Sega Channel"). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a downloader in the invention of Okamoto so that the games are capable of being downloaded and stored thereby being capable of being executed directly from the game interface without having to link to the broadcast signal every time a user wishes to play the game. By downloading the games into memory they are capable of being played while not being

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connected to the broadcast signal, which gives flexibility to the gaming interface.

Claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau, U.S. Patent No. 6,513,160 B2 in view of Okano et al., in further view of Lazzuri, "EE 4984 Telecommunication Networks Project 1, Sega Channel". Dureau discloses a game service-receiving device. A processor is configured to receive an input from a user interface (See Dureau Figs. 1 & 5; col. 7 lines 26-34). The processor is configured to output a first control signal to select a broadcast signal of a channel desired by a user or a second control signal to order a game desired by the user (See Dureau Figs. 1 & 5; col. 3 lines 65-67; col. 4 lines 1-56). A modem is configured to receive the second control signal and to output a game ordering signal to order a game desired by the user (See Dureau Fig. 3). A common game interface module is configured to receive the first control signal and to demodulate the broadcast signal of a channel selected by the user and a game program and game program information. The common game interface processes demodulated game-related information (See Dureau Fig. 1; col. 4 lines 18-43). The common interface host provides a resource for processing the game program and game-related information (See Dureau col. 4 lines 44-56; col. 7 lines 6-24). Dureau lacks in disclosing error correcting or downloading. Okano et al. teaches of a transmission/reception system and receiver in which error correction occurs on the transmitted signal (See Okano Fig. 3; col. 14 lines 6-20). It would have

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been obvious to one of ordinary skill in the art at the time the invention was made to error correct the transmitted signal. During transmission, errors may occur in the signal. Error correction is done to allow for reconstruction of the data after some of the data may have been the subject of error in the transmission. By error correcting the signal, one receives a complete and usable signal. Consequently, it is obvious to error correct any transmitted signal so that what is received is capable of being used. "Sega Channel" teaches of a common game interface module, which includes a downloader for downloading a game program ordered by a user using the game-related information. The interface module further comprises a game memory for storing a downloaded game program and a CPU, i.e. the game machine, for executing the stored game program. The CPU executes the game program upon receipt of a controlling command input, i.e. signal, through a user interface (See "Sega Channel"). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a downloader in the invention of Dureau so that the games are capable of being downloaded and stored thereby being capable of being executed directly from the game interface without having to link to the broadcast signal every time a user wishes to play the game. By downloading the games into memory they are capable of being played while not being connected to the broadcast signal, which gives flexibility to the gaming interface.

***Citation of Relevant Prior Art***

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Okor, U.S. Patent No. 4,126,851.

--Okor discloses a television game system in which a programmable module connects to a standard television receiver comprising a multiplexer and modem.

2. Malaure et al., U.S. Patent No. 6,446,262 B1.

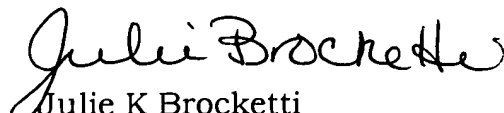
--Malaure et al. discloses a method and apparatus for broadcasting a scheduled interactive games to a plurality of users.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie K Brockett whose telephone number is 703-308-7306. The examiner can normally be reached on M-Th 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg SPE can be reached on 703-308-1327. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

  
Julie K Brockett  
Examiner  
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